

COST SHARE AGREEMENT for the Gap Incident.

COST SHARE AGREEMENT

**DEPARTMENT OF AGRICULTURE
UNITED STATES FOREST SERVICE**

And

**STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

The following is the cost share agreement between the above named agencies as it was negotiated for the following incident.

INCIDENT NAME: Gap

INCIDENT NUMBER BY AGENCY: CAL FIRE CALPF 001778
USFS CALPF 001778 (P5D9MC)

INCIDENT START DATE AND TIME: July 1, 2008 1730 hrs

JURISDICTIONS: USFS – Los Padres National Forest (LPF)
CAL FIRE – San Luis Obispo Unit (SLU)

INCIDENT CAUSE: Under Investigation

COMMAND STRUCTURE: Unified Command
Start: July 1, 2008 at 1530 hrs
End: July 16, 2008 at 0600 hrs

COST SHARE PERIOD: Start: July 1, 2008 at 1530 hrs
End: July 20, 2008 at 2000 hrs

INCIDENT COMMANDERS: Mike Strawhun – USFS
James E. Smith – USFS
Wally Bennett – USFS
Randy Unkovich – USFS
Bob Bell – Santa Barbara County Fire

AGENCY ADMINISTRATOR: John Hawkins, CAL FIRE

AGENCY REPRESENTATIVES: Kenneth Heffner, U.S. Forest Service, LPF
Cindy Chojnacky, U.S. Forest Service, LPF
Tom Berry, CAL FIRE
Matthew Jenkins, CAL FIRE
Tim Eckles, CAL FIRE
Dennis Dawson, CAL Fire

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UNIFIED ORDERING POINT: Los Padres Coordination Center

This cost share agreement between the Department of Agriculture, United States Forest Service (USFS) and the State of California Department of Forestry and Fire Protection (CAL FIRE), was prepared under the following guidelines:

1. In accordance with the California Master Cooperative Wildland Fire Management and Stafford Act Response Agreement between the USDA, Forest Service, USDI, Bureau of Land Management, USDI, National Park Service, USDI Fish and Wildlife Service, USDI, Bureau of Indian Affairs, BIA and the California Department of Forestry and Fire Protection.
2. All costs originating from orders placed by and for the incident that can be reasonably obtained and estimated for the cost share period will be included in this agreement and will be shared on the basis of the ICs/ARs' mutual agreement.
3. Costs for non-expendable property purchases by each agency will be charged direct to that agency and will not be shared.
4. Costs incurred by cooperators not engaged in joint fire suppression activities will not be included as a part of this cost share agreement.
5. Agency specific costs will not be shared.
6. Responsibility for tort claim costs or compensation for injury costs will not be a part of this agreement. Responsibility for these costs will be determined outside of this agreement.
7. Non-suppression rehabilitation costs are the responsibility of the jurisdictional agency and will not be shared.
8. Daily cost sharing will be documented and approved by the ICs/ARs for cost apportionment.
9. Sharing of final actual costs between the agencies will be based on a summary of daily estimated incident suppression costs and each agency's proportionate share thereof as agreed to by the jurisdictional representatives.
10. Shared costs will be based on the Incident Commanders/Agency Representatives mutual judgment and agreement as to threat, incident objectives, and resources assigned for each agency's area of responsibility.
11. Aircraft and retardant costs will be shared on an actual use basis as determined by the Incident Commanders/Agency Representatives and will be calculated as a separate cost.

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12. Within 5 months the parties to this agreement will meet to determine the total costs of each agency. The agency whose total actual costs exceed their proportional share of the overall incident final costs as determined within this agreement will bill the other agency. The billing, when paid, will result in each agency sharing overall incident costs as herein agreed.
13. An administrative charge, the pre-established percentage set by each agency, will be applied by the agency issuing the settlement billing for the net amount owed.
14. Tanker 910 (N450AX) flight, retardant and lead plane costs will be the responsibility of CAL FIRE.
15. Costs incurred for suppression related rehabilitation will be shared but are limited to the cost of work completed by 2000 hours on 7/20/08. Cost of any work to be done after 7/20/08 will be non-shared, agency specific and under different order numbers.
16. Ken Heffner, Agency Administrator, added this statement on behalf of the Los Padres National Forest. Mr. Heffner's signature only acknowledges an accurate accounting of where effort was expended on the ground but does not represent an acceptance of costs to be shared. I believe the CFMA has been misinterpreted and asked that the CWCG review the attached material to determine (a) an equitable division of costs between the agencies involved in suppressing this fire and (b) clarification of terms and associated rule sets to guide future incident management teams, agency administrators, and their representatives in equitable division of costs on other incidents within California (see Ken Heffner's attachments A, B, and C).
17. The following agencies will be responsible for collecting actual cost/expenditure data that will make up the cost pool of shareable costs.

COST SOURCES

Federal Agency
State Agency

RESPONSIBLE AGENCY

USFS – Los Padres National Forest
CAL FIRE – San Luis Obispo Unit

In accordance with the attached documentation, it is hereby agreed that the cost sharing of this incident will be:

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AGENCY	GROUND RESOURCES	AIRCRAFT/RETARDANT
USFS	72.11 %	100.00 %
CAL FIRE	27.89 %	0.00 %
TOTAL	100.00 %	100.00 %

This agreement and the apportionment are our best judgments of agency cost responsibilities. Mr. Heffner disagrees with this statement. See Item 16 in this cost share agreement.

Kenneth Heffner
Deputy Forest Supervisor
U.S. Forest Service, LPF

Matthew Jenkins
Unit Chief
State of California, Department of
Forestry and Fire Protection

 7/15/08

Agency Administrator

United States Forest Services
Los Padres National Forest
6755 Hollister Avenue, Suite 150
Goleta, CA 93117
(805) 961-5733

 7-15-08

Agency Administrator

CAL FIRE/San Luis Obispo
County Fire Department
635 N. Santa Rosa
San Luis Obispo, CA 93405
(805) 543-4244

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Date of this finalized agreement: July 15, 2008 at 1000 hrs.

ATTACHMENTS:

Attachment A: Summary of Key Issues
Attachment B: Meeting Notes
Attachment C: Photographs

Contacts:

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